

DOCKET NO: 288261US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JEAN-FRANCOIS STUMBE, ET AL. : EXAMINER: DOLLINGER, MICHAEL M.
SERIAL NO: 10/575,342 :
FILED: APRIL 11, 2006 : GROUP ART UNIT: 1796
FOR: HYPERBRANCHED POLYMERS :
HAVING ETHYLENICALLY
UNSATURATED GROUPS

RESPONSE TO THE ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election of a single species requirement mailed June 15, 2009,

Applicants elect without prejudice the following:

Species from the formula 1a:

- i) R^1 = hydrogen
- ii) R^2 = hydrogen
- iii) $X = OR^3$
- iv) R^3 is selected from polyethylene glycol derivatives and polypropylene glycol derivatives

All of the claims essentially read on the elected species.

Applicants disagree with the Examiner's statement that Raanby et al. (US 5,834,118) discloses the subject matter of any of the claims. Raanby et al. describe the reaction of a polyester referred to as hyperbranched with glycidyl methacrylate which are actually

dendrimers since they are based on dendrimERICALLY constructed oligomers of the first generation. The subject matter of the instant application refers to hyperbranched polyester.

Applicants request that should the elected species be found allowable, the Examiner expand the search to include the non-elected species.

Divisional application filed thereafter claiming the non-elected species should not be subject to double patenting ground of rejection (35 U.S.C. § 121, In re Joyce (Comr. Pats. 1957) 115 USPQ 412).

Applicants make no statement regarding the patentable distinctness of the species, but note that for the restriction to be proper there must be patentable differences between the species as claimed (M.P.E.P. § 808.01(a)).

Applicants' election is for examination only.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Paul J. Killos
Registration No. 58,014

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)